

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**August 26, 2002**

At 9:32 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Raye, Associate Justice; Kolkey, Associate Justice; and Facey, Bailiff. Calendar Called.

**C030428      SACRAMENTO POLICE, etc., et al. v. VENEGAS, JR., etc., et al.**  
Cause called. Kasey Christopher Clark argued for appellants. David E. Mastagni appeared only. Marcos A. Kropf, City Attorney, argued for respondents. Cause submitted.

At 10:04 a.m., the court recessed. At 10:07 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Raye.

**C032534      SANCTITY OF HUMAN LIFE NETWORK et al. v. CALIFORNIA HIGHWAY PATROL**  
Cause called. Scott M. Kendall argued for appellants. Kenneth Swenson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:57 a.m., the court recessed. At 10:59 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Kolkey.

**C037233      THE PEOPLE v. MITCHELL**  
Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Catherine B. Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:21 a.m., the court recessed. At 11:23 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Kolkey.

**C037878      THE PEOPLE v. SWAFFORD**  
Cause called. Richard J. Krech, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:51 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Callahan.

**C038139      PRENATT v. G.W. WILLIAMS COMPANY et al.**  
Cause called. David Prenatt argued for himself in pro per as appellant. Karen K. McCay argued for respondents. Cause submitted.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**August 26, 2002, continued**

At 2:25 p.m., the court recessed. At 2:27 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Callahan.

**C039408      PETIET v. KIRKWOOD MOUNTAIN RESORT et al.**

Cause called. Ronald H. Wecht argued for appellant. Tim Smith argued for respondents. Cause submitted.

At 2:58 p.m., the court recessed until 9:30 a.m., Monday, September 16, 2002.

**C037482      THE PEOPLE v. TODD      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.  
Hull, J.

**C038457      THE PEOPLE v. RANGER INSURANCE COMPANY  
(Certified for Publication)**

The judgment is affirmed. We assess sanctions against appellant and its counsel, jointly and severally, in the amount of \$3,467 to County of Shasta and in the amount of \$10,000, payable to the clerk of this court, within 30 days after the filing of the remittitur. Pursuant to the requirements of Business and Professions Code section 6086.7, subdivision (c), the clerk of this court shall forward a copy of this opinion to the State Bar of California.

BLEASE, Acting P.J.

We concur: Sims, J.  
Nicholson, J.

**C039030      THE PEOPLE v. LANKINS      (Not for Publication)**

The judgment is modified to stay the sentences imposed for indecent exposure, counts I and II. As modified, defendant's sentence is eight years. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

ROBIE, J.

We concur: Scotland, P.J.  
Raye, J.

**C039278      THE PEOPLE v. STEEL      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.  
Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**August 26, 2002, continued**

- C039351      THE PEOPLE v. PERRY JR.      (Not for Publication)**  
The judgment is affirmed.  
   NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
   Kolkey, J.
- C040095      THE PEOPLE v. MODRALL      (Not for Publication)**  
The judgment is affirmed.  
   NICHOLSON, Acting P.J.  
We concur:      Raye, J.  
   Hull, J.
- C040392      THE PEOPLE v. JACKSON      (Not for Publication)**  
The judgment is affirmed.  
   NICHOLSON, Acting P.J.  
We concur:      Raye, J.  
   Hull, J.
- C039134      DANIELS v. BOARD OF CHIROPRACTIC EXAMINERS etc.      (Not for Publication)**  
The judgment is affirmed.  
   NICHOLSON, Acting P.J.  
We concur:      Morrison, J.  
   Hull, J.
- C039434      MOORE v. MASSEY et al.      (Not for Publication)**  
The October 9, 2001, "ORDER RE: PLAINTIFF'S REPORT OF SALE AND PETITION FOR ORDER CONFIRMING SALE; DEFENDANTS' PETITION FOR ORDER INSTRUCTING TRUSTEE TO DISTRIBUTE PROPERTY" is reversed, and the case is remanded to the trial court for further proceedings concerning the effect, if any, of the bankruptcy court's November 15, 2001, "JUDGMENT ON COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT." The parties shall bear their own costs on this appeal.  
   SIMS, J.  
We concur:      Blease, Acting P.J.  
   Robie, J.
- C036592      CITY OF RIPON v. SWEETIN et al.      (Certified for Publication)**  
**C037212      BY THE COURT:**  
The opinion filed July 30, 2002, is modified as follows...This modification changes the judgment. Defendants' petition for rehearing is denied.  
   Sims, Acting P.J.  
   Nicholson, J.  
   Kolkey, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**August 27, 2002**

- C036877      THE PEOPLE v. SCHINKEL, JR.      (Not for Publication)**  
The judgment of conviction is affirmed. The sentence is vacated and the cause is remanded to the trial court with instructions to exercise its discretion to impose consecutive or concurrent sentences with respect to two of defendant's section 261.5 convictions. Upon doing so, the court shall resentence defendant accordingly.  
CALLAHAN, J.  
We concur: Scotland, P.J.  
Raye, J.
- C037683      THE PEOPLE v. CARDONA      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Blease, Acting P.J.  
Hull, J.
- C038045      THE PEOPLE v. ALCARAZ      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We concur: Scotland, P.J.  
Raye, J.
- C040152      THE PEOPLE v. WHALEY      (Not for Publication)**  
The judgment is affirmed.  
Blease, Acting P.J.  
We concur: Raye, J.  
Callahan, J.
- C038340      ABRAMSON v. PLACER COUNTY OFFICE OF EDUCATION      (Not for Publication)**  
The judgment is reversed. The cause is remanded to the trial court with instructions to enter an order denying the motion for summary judgment. Plaintiff shall recover costs.  
CALLAHAN, J.  
We concur: Nicholson, Acting P.J.  
Robie, J.
- C039556      LANDMARK INNOVATIVE INDUSTRIES INC. v. SOUTH TRUST BANK      (Not for Publication)**  
The order appealed from is affirmed.  
CALLAHAN, J.  
We concur: Blease, Acting P.J.  
Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**August 27, 2002, continued**

**C039748      KERSTEN v. DENTAL BOARD OF CALIFORNIA      (Not for Publication)**  
The order denying Kersten's petition for writ of administrative mandamus is affirmed.  
NICHOLSON, Acting P.J.  
We concur: Morrison, J.  
Hull, J.

**August 28, 2002**

**C037680      THE PEOPLE v. ALLEN      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Robie, J.

**C037724      THE PEOPLE v. FOUNTAIN      (Not for Publication)**  
The judgment is affirmed. We note, however, several clerical errors in the abstracts of judgment...The trial court shall then forward certified copies of the determinate term and indeterminate term abstract of judgment to the Department of Corrections.  
DAVIS, J.  
We concur: Scotland, P.J.  
Nicholson, J.

**C038576      THE PEOPLE v. HASS      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur: Blease, Acting P.J.  
Morrison, J.

**C040032      THE PEOPLE v. FOWLER      (Not for Publication)**  
The judgment is modified to impose the \$200 state and \$140 county penalty assessments (Pen. Code, § 1464; Gov. Code, § 76000) in addition to the sex offender fine (Pen. Code, § 290.3). The trial court is further ordered to prepare an amended abstract of judgment showing these modifications and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.  
HULL, J.  
We concur: Raye, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**The Minutes**

**August 28, 2002, continued**

- C040647      THE PEOPLE v. JOHNSON      (Not for Publication)**  
The judgment is affirmed.  
                         HULL, J.  
We concur:    Nicholson, Acting P.J.  
                         Raye, J.
- C026793      LILYAN M. et al. v. COUNTY OF SACRAMENTO et al.      (Not for Publication)**  
The judgment is affirmed.  
                         RAYE, J.  
We concur:    Nicholson, Acting P.J.  
                         Callahan, J.
- C040055      OLIVE INDUSTRIES, LTD. v. TAHOE CITY PUBLIC UTILITY DISTRICT      (Not for Publication)**  
The judgment is reversed. Costs on appeal are awarded to Olive.  
                         NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                         Kolkey, J.
- C038150      SAUER et al. v. KRSULIC et al.      (Not for Publication)**  
The judgment is affirmed.  
                         NICHOLSON, Acting P.J.  
We concur:    Morrison, J.  
                         Hull, J.
- C039052      MOUNTAIN, LTD. v. ALLSTATE INSURANCE COMPANY      (Not for Publication)**  
The judgment is affirmed.  
                         HULL, J.  
We concur:    Blease, Acting P.J.  
                         Morrison, J.
- C039089      MURRAY v. MARTIN      (Not for Publication)**  
The order after hearing dated July 11, 2001, is affirmed. To the extent Mother purports to appeal from the August 29, 2001, order after hearing, the appeal is dismissed. Father shall recover his costs on appeal.  
                         NICHOLSON, Acting P.J.  
We concur:    Morrison, J.  
                         Hull, J.



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

8

**The Minutes**

**August 29, 2002, continued**

- C040019      THE PEOPLE v. DOSS      (Not for Publication)**  
The trial court is directed to prepare a corrected abstract of judgment to reflect that the court ordered defendant to pay victim restitution in an unspecified amount (to be determined) and a \$128 booking fee and to forward a certified copy of the same to the Department of Corrections. The judgment is affirmed.  
   DAVIS, J.  
We concur:      Scotland, P.J.  
   Kolkey, J.
- C038374      CALVIN v. TARGET STORES, INC      (Not for Publication)**  
The judgment is affirmed. Cavin shall pay for Target's costs on appeal.  
   NICHOLSON, J.  
We concur:      Morrison, J.  
   Hull, J.

**August 30, 2002**

- C037287      THE PEOPLE v. BROWN      (Not for Publication)**  
The judgment is affirmed.  
   DAVIS, Acting P.J.  
We concur:      Morrison, J.  
   Callahan, J.
- C037501      THE PEOPLE v. GABB      (Not for Publication)**  
The judgment is affirmed and the trial court is directed to correct the abstract of judgment so that the description of the manner in which defendant violated Health and Safety Code section 11360, subdivision (a) is described as "sale of marijuana" and to forward a certified copy of the corrected abstract to the Department of Corrections.  
   DAVIS, Acting P.J.  
We concur:      Nicholson, J.  
   Morrison, J.
- C037878      THE PEOPLE v. SWAFFORD      (Not for Publication)**  
The judgment is affirmed.  
   KOLKEY, J.  
We concur:      Scotland, P.J.  
   Davis, J.



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

9

**The Minutes**

**August 30, 2002, continued**

- C039534      THE PEOPLE v. XIONG      (Not for Publication)**  
The judgment is affirmed, as modified. The superior court clerk shall prepare a corrected abstract of judgment identical to the original abstract of judgment, except that the clerk shall check the box for a sentence of life imprisonment on count I, with no minimum term specified, shall delete the check mark from the box for 15 years to life, and shall forward a certified copy of the abstract of judgment to the Department of Corrections. In all other aspects, the judgment is affirmed.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                  Kolkey, J.
- C039634      THE PEOPLE v. DALSKE      (Not for Publication)**  
The judgment is modified to strike the condition of probation requiring defendant to register as a drug offender under section 11590. As modified, the judgment is affirmed. We direct the trial court to correct the order of probation and to forward a copy to the probation authorities.  
NICHOLSON, J.  
We concur:    Scotland, P.J.  
                  Davis, J.
- C038103      CAMPBELL et al. v. ZUMBRUN & FINDLEY et al.**  
**C038302      CAMPBELL et al. v. MURPHY, PEARSON, BRADLEY & FEENEY et al.**  
**(Not for Publication)**  
The judgment in favor of Murphy, Pearson, Bradley, & Feeney, et al., is affirmed. The matter is remanded to the trial court for a determination of attorney fees on appeal.  
  
The judgment in favor of Ronald Zumbrun, et al., is affirmed.  
BLEASE, Acting P.J.  
We concur:    Raye, J.  
                  Callahan, J.
- C036750      In re JANELL T.; THE PEOPLE v. JANELL T.      (Not for Publication)**  
The order of the juvenile court is affirmed.  
NICHOLSON, J.  
We concur:    Scotland, P.J.  
                  Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

10

**The Minutes**

**August 30, 2002, continued**

**C040086      In re CECELIA S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. CLIFTON L.                      (Not for Publication)**

The orders of the juvenile court are affirmed.

KOLKEY, J.

We concur:      Scotland, P.J.

Davis, J.

**C041443      In re RENEE J. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL  
SERVICES v. ALBERT C. et al.**

**C041184      In re RENEE J., et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL  
SERVICES v. DEANNA J.**

BY THE COURT:

The motion of appellant Deanna J. for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellants' respective opening briefs are due on or before September 16, 2002.  
SCOTLAND, P.J.